

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VERSALIS S.p.A.,

Opposer,

v.

BERRY PLASTICS CORPORATION,

Applicant.

Opposition No. _____

Application Serial No. 85/758,768

Mark: **VERSALITE & Design**

NOTICE OF OPPOSITION

Versalis S.p.A. (the “Opposer”), is a Società per azioni (Joint stock company) of Italy, with its principal place of business located at: Piazza Boldrini, 1, I-20097 San Donato Milanese (MI), Italy.

Berry Plastics Corporation (the “Applicant”) is a corporation of the State of Delaware, with an address of: 101 Oakley Street, P.O. Box 959, Evansville, Indiana 47706-0959, United States.

Opposer believes that it will be damaged by the issuance of a registration for the trademark “VERSALITE & Design”, in U.S. Application Serial No. 85/758,768 (hereinafter also referred to as “Applicant’s Mark”), filed on October 19, 2012 for, *inter alia*, “expanded polypropylene-based material for use in the further manufacture of other products, namely,

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01-27-2014

extruded polypropylene resins in sheet form for use in further manufacture,” in International Class 17.¹

The Trademark Office is hereby authorized and instructed to charge the required Notice of Opposition fee of \$300 to Deposit Account No. 25-0120; for opposition against U.S. Application Serial No. 85/758,768, in International Class 17 only.

As grounds for this opposition, Opposer, through counsel, alleges as follows:

FACTUAL BACKGROUND

1. Opposer is Italy's largest petrochemical industry leader, and manufactures and distributes a host of basic chemicals, polyethylene, styrenics and elastomers with myriad commercial and industrial applications, including a variety of resins in different forms, world-wide under its “VERSALIS” and “VERSALIS (Stylized)” marks, (hereinafter also referred to as “Opposer’s Marks”).
2. Opposer is the owner of U.S. Application Serial No. 79/114,863 for “VERSALIS (Stylized)” for numerous goods in International Classes 01 and 17. U.S. Application Serial No. 79/114,863 was filed on May 21, 2012, is based on International Registration No. 1121334, and was published for public opposition on September 3, 2013. U.S. Application Serial No. 79/114,863 is identified in the current TSDR printout presented in Exhibit A.

¹ Attendant to this Notice of Opposition, Opposer is also submitting a consented motion to suspend the instant proceeding for settlement negotiations.

3. Opposer is the owner of U.S. Application Serial No. 79/115,544 for “VERSALIS”, in standard characters, for numerous goods in International Classes 01 and 17. U.S. Application Serial No. 79/115,544 was filed on May 21, 2012, is based on International Registration No. 1123081, and was published for public opposition on September 3, 2013. U.S. Application Serial No. 79/115,544 is identified in the current TSDR printout presented in Exhibit B.
4. Opposer has used its “VERSALIS” mark in association with Opposer's goods in U.S. commerce since at least as early as May 2012, and is currently in use in U.S. commerce.
5. On October 19, 2012, Applicant filed an application to register the “VERSALITE & Design” mark, with Section 1(b) intent-to-use in U.S. commerce as the basis, for, *inter alia*, “expanded polypropylene-based material for use in the further manufacture of other products, namely, extruded polypropylene resins in sheet form for use in further manufacture,” in International Class 17. Applicant’s Mark was published for public opposition on July 30, 2013.²

² Opposer has previously requested Extensions of Time in which to oppose the instant application on August 21, 2013 (90-Day) and November 18, 2013 (60-Day). The latter request, consented to by Applicant, was filed both electronically and via U.S. mail on November 18, 2013. Opposer filed the Extension in duplicate because the TTAB’s ESTTA system appeared to be experiencing server delays and did not generate a standard electronic receipt. Opposer notes that the second Extension has yet to be processed by the TTAB. Copies of Opposer’s submitted print screen and paper filing are presented in Exhibit C.

COUNT ONE: PRIORITY

6. Opposer re-alleges and incorporates herein by reference the allegations in paragraphs 1-5 above as if fully set forth herein.
7. Opposer's use and application of Opposer's Marks pre-date the filing date of Applicant's Mark.
8. Upon opinion and belief, Applicant's Mark has not been used in U.S. commerce in connection with International Class 17.
9. The granting of a trademark registration to Applicant for Applicant's Mark in International Class 17 would violate and diminish the prior and superior rights of Opposer.
10. Opposer would be damaged within the meaning of 15 U.S.C. § 1063(a) if Applicant's Mark is allowed to register in International Class 17, because Applicant would obtain statutory rights in Applicant's Mark in violation and derogation of the established prior rights of Opposer in Opposer's Marks.

COUNT TWO: LIKELIHOOD OF CONFUSION

11. Opposer re-alleges and incorporates herein by reference the allegations in paragraphs 1-10 above as if fully set forth herein.
12. Applicant's Mark is likely to be confused with and mistaken for Opposer's goods developed and marketed under Opposer's Marks, because Applicant's "VERSALITE & Design" mark is confusingly similar in sight and sound to Opposer's "VERSALIS" and "VERSALIS (Stylized)" marks.

13. Additionally, Applicant's "VERSALITE & Design" mark conveys a nearly identical commercial impression as Opposer's "VERSALIS" and "VERSALIS (Stylized)" marks.
14. On information and belief, Applicant's Mark is intended to be used on and in connection with goods in International Class 17 that are identical, or confusingly similar, to those of Opposer.
15. On information and belief, Applicant's target customer and consumer base for International Class 17 overlaps with the customers and consumers of Opposer's goods.
16. Applicant's goods description for International Class 17 contains no restrictions or limitations as to Applicant's channels of trade; accordingly, Opposer may assume that Applicant's Mark, like Opposer's Marks, will be used in all accepted channels of trade.
17. On information and belief, Applicant's channels of trade for its goods in International Class 17 overlaps with the channels of trade used by, or exist within the natural realm of expansion available to Opposer, for marketing, selling, and otherwise distributing its products.
18. If Applicant is permitted to register its "VERSALITE & Design" mark for "expanded polypropylene-based material for use in the further manufacture of other products, namely, extruded polypropylene resins in sheet form for use in further manufacture," in International Class 17, confusion resulting in damage and injury to Opposer would likely occur. Persons familiar with Opposer's Marks would likely be confused, be mistaken, or be deceived into the belief that Applicant's products in International Class

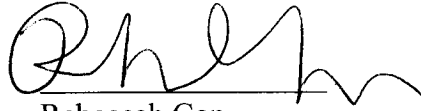
17 are associated with, affiliated with, or sponsored by Opposer. Such confusion would inevitably result in damage to Opposer.

19. Opposer's customers and the relevant public are likely to misperceive Applicant's Mark as one of Opposer's Marks, rather than as a mark of Berry Plastics Corporation, and/or believe in error that goods in International Class 17 offered under Applicant's Mark are offered by, in association with, or under license from Opposer.
20. Applicant's filing of Application Serial No. 85/758,768 is without license, authorization or permission from Opposer.
21. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark, and of Applicant's exclusive right to use its "VERSALITE & Design" mark, all to the detriment of Opposer.
22. In view of the foregoing reasons, the grant of a registration for Applicant's Mark in International Class 17, as sought in the application opposed herein, should be denied as registration would be contrary to the provisions of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), and Opposer believes that it would be damaged thereby.

WHEREFORE, by the undersigned attorney, Opposer respectfully requests that this Notice of Opposition be sustained and that registration of Application Serial No. 85/758,768 for International Class 17 be refused.

January 27, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rebecca Gan', written over a horizontal line.

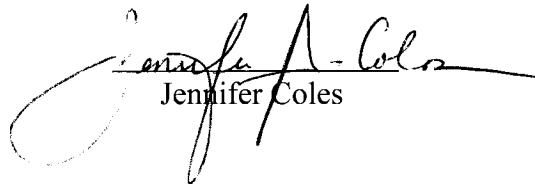
Rebecca Gan
Attorney for Opposer
Young & Thompson
209 Madison St., Suite 500
Alexandria, VA 22314
Tel.: (703) 521-2297
Email: rgan@young-thompson.com

CERTIFICATE OF DELIVERY BY HAND

I hereby certify that this Notice of Opposition has been delivered by hand to the
Trademark Trial and Appeal Board, located at:

ATTN: Trademark Trial and Appeal Board
Trademark Assistance Center
James Madison Building - East Wing
Concourse Level
600 Dulany Street
Alexandria, Virginia 22314

on this 27th day of January, 2014.


Jennifer Coles

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant's attorney of record, Julia Spoor Gard, Esquire, by mailing said copy on this 27th day of January 2014, via First Class Mail, postage prepaid to:

Julia Spoor Gard
BARNES & THORNBURG LLP
11 S. Meridian St.
Indianapolis, Indiana 46204-3506
United States

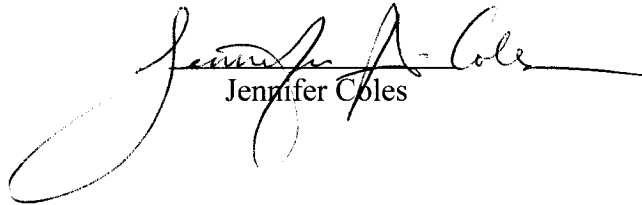

Jennifer Coles

EXHIBIT A

Generated on: This page was generated by TSDR on 2014-01-24 11:03:12 EST

Mark: VERSALIS

versalis

US Serial Number: 79114863

Application Filing Date: May 21, 2012

Register: Principal

Mark Type: Trademark

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Jan. 21, 2014

Publication Date: Sep. 03, 2013

Mark Information

Mark Literal Elements: VERSALIS

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the wording "Versalis" in special script.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: The wording "Versalis" has no meaning in a foreign language.

Related Properties Information

International Registration Number: 1121334

International Registration Date: May 21, 2012

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Chemicals for use in industry, namely, chemicals used in science, photography, agriculture, horticulture and forestry industry; basic chemicals, namely, unprocessed polyethylene resins and unprocessed thermoplastic, styrenic, and elastomer resins; chemicals used in the chemical and petrochemical industries, namely, catalysts for use in the manufacture of petrochemical products and polymers; inorganic polymeric composition for industrial metal substrates used in chemical and petrochemical industry; polymer compositions, namely, homopolymers and copolymers for use in the manufacture of commercial molded plastic articles; unprocessed artificial resins; unprocessed plastics, namely, polymers, polystyrene resins, acrylic monomers; chemical substances for preserving foodstuffs; tanning substances, namely, agents for use in the manufacture of leather; adhesives used in industry

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 66(a)

For: Rubber, goods made from rubber and gutta-percha and not included in other classes, namely, adhesive elastomeric tape for placement onto electronic devices to prevent slipping, adhesive sealants for general use, air conditioner hoses made of rubber, anti-rust sealants, cellular rubber, chlorinated rubber, connecting hoses for vehicle radiators, connecting hoses for vehicle fuel injectors, covered rubber thread and yarn not for textile use, crude rubber, door stops of rubber, ebonite, vulcanite, elastic rubber-like material for use in the manufacture of clothing, elastomeric compounds for use as additives in paving asphalt, elastomeric expansion and contraction joint seals for use in building, bridges, roadways, parking structures and open-air structures, elastomeric polymer in the form of bales, crumbs, pellets for use in the manufacture of fishing products and accessories, fluoro rubber, foam for use in the manufacture of footwear, foam rubber, garden hoses, gasket material in sheets for use in air sealing and preventing noise, gasket sealer for use in plumbing, general purpose silicone rubber sealant, gutta-percha, hoses for air conditioners made of rubber, hoses made of rubber for automotive industrial appliances, namely, air hoses, hydraulic hoses made of rubber, industrial hoses made of rubber for use in automotive and hydraulic appliances, industrial packaging containers of rubber, irrigation hoses, isobutylene-isoprene rubber, latex for industrial use, latex for use in the manufacture of mattresses, pillows, shoe soles and toppers; latex rubber for use in the manufacture of paper coating, cardboard coating and fiber impregnation; liquid gasket sealer for automotive use, liquid latex, liquid rubber, low density polyurethane foam for use in mattress surfaces, mulch mats made of recycled rubber for preventing weed growth, natural rubber, neoprene, neoprene sheets and laminated neoprene sheets for further use in industrial manufacture, nitrile rubber, non-metal sealing rings for use as connection seals, non-metal seals for use in automotive industrial appliances, non-metal seals for potable and waste water pipe connections, non-metal weather strips for buildings, non-metal, plastic and rubber hoses for industrial applications, Non-slip, rubber adhesive-backed bathtub appliques, pipe gaskets, pipe gaskets for plastic, concrete and metal pipe, polysulfide rubber, poly-olefin film with a rubber adhesive used to protect surfaces, reclaimed rubber, rings of rubber for use as pipe connection seals, raw rubber, semi-worked rubber, rubber adhesive bathtub appliques, rubber bags, envelopes, and pouches for merchandise packaging, rubber bands for commercial and industrial uses, rubber bars and rods, rubber bottle stoppers, rubber bumpers for loading docks, rubber chips or granules for use as a playground ground cover, rubber check valves for use in industrial, automotive and petrochemical appliances, rubber cords and laces, rubber derivatives, rubber for use in the manufacture of building, lubricants, automotive non tire, adhesives, plastic modification, rubber hose for use in connection with welding, rubber hoses for vehicle heaters,

rubber lids and caps for industrial packaging containers, rubber material for recapping tires, rubber packing for shipping containers, rubber padding for shipping containers, mulch made of recycled rubber for use in landscaping and horticulture applications, rubber ramps that fits into a residential curb and gutter, allowing vehicles to drive directly over the curb, rubber sealant for caulking and adhesive purposes, rubber sheets, rubber sleeves for protecting parts of machinery, rubber solutions, rubber stoppers for industrial packaging containers, rubber thread not for textile use, rubber thread and covered rubber yarn not for textile use, rubber tubes and pipes, rubber wheel chocks, rubber-based roofing sealants for recreational vehicles and trailers, shock absorbing rubber buffers for industrial machinery, shock buffers of rubber for industrial machinery, shower hoses, silicone rubber, sleeves of rubber for protecting parts of machinery, stuffing of rubber, styrene-butadiene rubber, synthetic elastomer resin blended with additives and colorants sold in a pellet form, synthetic rubber, synthetic rubber for use in the manufacture of building, lubricants, automotive non tire, adhesives, plastic modification, thermoplastic compounds, thermoplastic elastomer resins and thermoplastic concentrates in pellet form for use in manufacturing in a wide variety of industries, thermoplastic elastomer resins in pellet form for use in further manufacture, thermoplastic elastomer pellets for use as infill for synthetic field turf, uncured synthetic rubber for use in the manufacture of building, lubricants, automotive non tire, adhesives, plastic modification, unfitted protective rubber sheets for automobile seats, valves of rubber or vulcanized fiber not including machine elements, washers of rubber for mechanical devices to prevent vibration and fluid leakage, washers of rubber or vulcanized fiber, adhesive tape for industrial and commercial use, masking tape, anti-corrosion tape, adhesive sealants for use in roofing, air duct adhesive sealant compounds for use in the heating and cooling industry, adhesive tape for industrial or commercial packing use, water proofing membranes for foundations of buildings; cellulose acetate film used in the manufacture of pressure sensitive adhesive tape; cellulosic film for commercial and industrial use; chemical fiber thread and yarn not for textile use; high-density polyethylene film with adhesive back to be used in cardboard and corrugated; containers and boxes pavement marking tape; pavement striping tape; polymer sheets for use in the manufacture of labels; plastics in extruded form for use in manufacture; packing and insulating materials for the building sector, namely, adhesive packing tape for industrial and commercial use, flexible pipes, not of metal

International Class(es): 017 - Primary Class

U.S Class(es): 001, 005, 012, 013, 035, 050

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: VERSALIS S.p.A.

Owner Address: Piazza Boldrini, 1
I-20097 SAN DONATO MILANESE (MI)
ITALY

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Holiday W. Banta

Docket Number: T05735-US-00

Attorney Primary Email Address: ipdocket@icemiller.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Holiday W. Banta
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, INDIANA 46282
UNITED STATES

Phone: 317-236-5882

Fax: 317-592-5453

Correspondent e-mail: ipdocket@icemiller.com h.banta@icemiller.com n.braun@icemiller.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 17, 2014	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Sep. 16, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 15, 2013	NOTIFICATION PROCESSED BY IB	
Sep. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

Sep. 03, 2013	PUBLISHED FOR OPPOSITION	
Aug. 28, 2013	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Aug. 28, 2013	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Aug. 14, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 26, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 25, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 25, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 25, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 25, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 25, 2013	EXAMINERS AMENDMENT -WRITTEN	73712
Jul. 10, 2013	NOTIFICATION OF SUBSEQUENT FINAL EMAILED	
Jul. 10, 2013	CONTINUATION OF FINAL REFUSAL E-MAILED	
Jul. 10, 2013	ACTION CONTINUING A FINAL - COMPLETED	73712
Jun. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 19, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 19, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 19, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 22, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 22, 2012	FINAL REFUSAL E-MAILED	
Dec. 22, 2012	FINAL REFUSAL WRITTEN	73712
Nov. 30, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Nov. 30, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Nov. 28, 2012	ASSIGNED TO LIE	77312
Nov. 20, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 07, 2012	REFUSAL PROCESSED BY IB	
Sep. 19, 2012	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Sep. 19, 2012	REFUSAL PROCESSED BY MPU	68359
Sep. 19, 2012	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Sep. 18, 2012	NON-FINAL ACTION WRITTEN	73712
Sep. 11, 2012	ASSIGNED TO EXAMINER	73712
Jul. 31, 2012	APPLICATION FILING RECEIPT MAILED	
Jul. 27, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 26, 2012	LIMITATION FROM ORIGINAL APPLICATION ENTERED	67442
Jul. 26, 2012	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1121334 Priority Claimed Flag: Yes Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED Notification of Designation Date: Jul. 26, 2012 International Registration Renewal Date: May 21, 2022 First Refusal Flag: Yes	International Registration Date: May 21, 2012 Date of Section 67 Priority Claim: Mar. 23, 2012 Date of International Registration Status: Jul. 26, 2012 Date of Automatic Protection: Jan. 26, 2014
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TM Staff and Location Information

TM Staff Information

TM Attorney: TURNER, JASON FITZGERA

Law Office Assigned: LAW OFFICE 108

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 21, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: 79114863

Filing Date: Sep 16, 2013

Status: Terminated

Status Date: Jan 17, 2014

Interlocutory Attorney:

Defendant

Name: VERSALIS S.p.A.

Correspondent Address: Holiday W. Banta
Ice Miller LLP
One American Square, Suite 2900
Indianapolis IN , 46282
UNITED STATES

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

VERSALIS

Published For Opposition

79114863

Potential Opposer(s)

Name: Berry Plastics Corporation

Correspondent Address: JULIA SPOOR GARD
BARNES & THORNBURG LLP
11 South Meridian Street
INDIANAPOLIS IN , 46204-3535
UNITED STATES

Correspondent e-mail: jgard@btlaw.com , bmcginnis@btlaw.com

Prosecution History

Entry
Number

History Text

Date

Due Date

1

INCOMING - EXT TIME TO OPPOSE FILED

Sep 16, 2013

2

EXTENSION OF TIME GRANTED

Sep 16, 2013

EXHIBIT B

Generated on: This page was generated by TSDR on 2014-01-24 11:04:13 EST

Mark: VERSALIS

VERSALIS

US Serial Number: 79115544

Application Filing Date: May 21, 2012

Register: Principal

Mark Type: Trademark

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Jan. 21, 2014

Publication Date: Sep. 03, 2013

Mark Information

Mark Literal Elements: VERSALIS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1123081

International Registration Date: May 21, 2012

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Chemicals for use in industry, namely, chemicals used in science, photography, agriculture, horticulture and forestry industry; basic chemicals, namely, unprocessed polyethylene resins and unprocessed thermoplastic, styrenic, and elastomer resins; chemicals used in the chemical and petrochemical industries, namely, catalysts for use in the manufacture of petrochemical products and polymers; inorganic polymeric composition for industrial metal substrates used in chemical and petrochemical industry; polymer compositions, namely, homopolymers and copolymers for use in the manufacture of commercial molded plastic articles; unprocessed artificial resins; unprocessed plastics, namely, polymers, polystyrene resins, acrylic monomers; chemical substances for preserving foodstuffs; tanning substances, namely, agents for use in the manufacture of leather; adhesives used in industry

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 66(a)

For: Rubber, goods made from rubber and gutta-percha and not included in other classes, namely, adhesive elastomeric tape for placement onto electronic devices to prevent slipping, adhesive sealants for general use, air conditioner hoses made of rubber, anti-rust sealants, cellular rubber, chlorinated rubber, connecting hoses for vehicle radiators, connecting hoses for vehicle fuel injectors, covered rubber thread and yarn not for textile use, crude rubber, door stops of rubber, ebonite, vulcanite, elastic rubber-like material for use in the manufacture of clothing, elastomeric compounds for use as additives in paving asphalt, elastomeric expansion and contraction joint seals for use in building, bridges, roadways, parking structures and open-air structures, elastomeric polymer in the form of bales, crumbs, pellets for use in the manufacture of fishing products and accessories, fluoro rubber, foam for use in the manufacture of footwear, foam rubber, garden hoses, gasket material in sheets for use in air sealing and preventing noise, gasket sealer for use in plumbing, general purpose silicone rubber sealant, gutta-percha, hoses for air conditioners made of rubber, hoses made of rubber for automotive industrial appliances, namely, air hoses, hydraulic hoses made of rubber, industrial hoses made of rubber for use in automotive and hydraulic appliances, industrial packaging containers of rubber, irrigation hoses, isobutylene-isoprene rubber, latex for industrial use, latex for use in the manufacture of mattresses, pillows, shoe soles and toppers; latex rubber for use in the manufacture of paper coating, cardboard coating and fiber impregnation; liquid gasket sealer for automotive use, liquid latex, liquid rubber, low density polyurethane foam for use in mattress surfaces, mulch mats made of recycled rubber for preventing weed growth, natural rubber, neoprene, neoprene sheets and laminated neoprene sheets for further use in industrial manufacture, nitrile rubber, non-metal sealing rings for use as connection seals, non-metal seals for use in automotive industrial appliances, non-metal seals for potable and waste water pipe connections, non-metal weather strips for buildings, non-metal, plastic and rubber hoses for industrial applications, Non-slip, rubber adhesive-backed bathtub appliques, pipe gaskets, pipe gaskets for plastic, concrete and metal pipe, polysulfide rubber, poly-olefin film with a rubber adhesive used to protect surfaces, reclaimed rubber, rings of rubber for use as pipe connection seals, raw rubber, semi-worked rubber, rubber adhesive bathtub appliques, rubber bags, envelopes, and pouches for merchandise packaging, rubber bands for commercial and industrial uses, rubber bars and rods, rubber bottle stoppers, rubber bumpers for loading docks, rubber chips or granules for use as a playground ground cover, rubber check valves for use in industrial, automotive and petrochemical appliances, rubber cords and laces, rubber derivatives, rubber for use in the manufacture of building, lubricants, automotive non tire, adhesives, plastic modification, rubber hose for use in connection with welding, rubber hoses for vehicle heaters, rubber lids and caps for industrial packaging containers, rubber material for recapping tires, rubber packing for shipping containers, rubber padding for shipping containers, mulch made of recycled rubber for use in landscaping and horticulture applications, rubber ramps that fits into a residential curb and gutter, allowing vehicles to drive directly over the curb, rubber sealant for caulking and adhesive purposes, rubber sheets, rubber sleeves for protecting parts of machinery, rubber solutions, rubber stoppers for industrial packaging containers, rubber thread not for textile use, rubber thread and covered rubber yarn not for textile use, rubber tubes and pipes, rubber wheel chocks, rubber-based roofing sealants for recreational vehicles and trailers, shock absorbing rubber buffers for

industrial machinery, shock buffers of rubber for industrial machinery, shower hoses, silicone rubber, sleeves of rubber for protecting parts of machinery, stuffing of rubber, styrene-butadiene rubber, synthetic elastomer resin blended with additives and colorants sold in a pellet form, synthetic rubber, synthetic rubber for use in the manufacture of building, lubricants, automotive non tire, adhesives, plastic modification, thermoplastic compounds, thermoplastic elastomer resins and thermoplastic concentrates in pellet form for use in manufacturing in a wide variety of industries, thermoplastic elastomer resins in pellet form for use in further manufacture, thermoplastic elastomer pellets for use as infill for synthetic field turf, uncured synthetic rubber for use in the manufacture of building, lubricants, automotive non tire, adhesives, plastic modification, unfitted protective rubber sheets for automobile seats, valves of rubber or vulcanized fiber not including machine elements, washers of rubber for mechanical devices to prevent vibration and fluid leakage, washers of rubber or vulcanized fiber, adhesive tape for industrial and commercial use, masking tape, anti-corrosion tape, adhesive sealants for use in roofing, air duct adhesive sealant compounds for use in the heating and cooling industry, adhesive tape for industrial or commercial packing use, water proofing membranes for foundations of buildings; cellulose acetate film used in the manufacture of pressure sensitive adhesive tape; cellulosic film for commercial and industrial use; chemical fiber thread and yarn not for textile use; high-density polyethylene film with adhesive back to be used in cardboard and corrugated; containers and boxes pavement marking tape; pavement striping tape; polymer sheets for use in the manufacture of labels; plastics in extruded form for use in manufacture; packing and insulating materials for the building sector, namely, adhesive packing tape for industrial and commercial use, flexible pipes, not of metal

International Class(es): 017 - Primary Class

U.S Class(es): 001, 005, 012, 013, 035, 050

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: VERSALIS S.p.A.

Owner Address: Piazza Boldrini, 1
I-20097 SAN DONATO MILANESE (MI)
ITALY

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Holiday W. Banta

Docket Number: T05736-US-00

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Attorney Email Authorized: Yes

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Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 17, 2014	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Sep. 16, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 15, 2013	NOTIFICATION PROCESSED BY IB	
Sep. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 03, 2013	PUBLISHED FOR OPPOSITION	
Aug. 28, 2013	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Aug. 28, 2013	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	

Aug. 14, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 26, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 25, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 25, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 25, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 25, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 25, 2013	EXAMINERS AMENDMENT -WRITTEN	73712
Jul. 10, 2013	NOTIFICATION OF SUBSEQUENT FINAL EMAILED	
Jul. 10, 2013	CONTINUATION OF FINAL REFUSAL E-MAILED	
Jul. 10, 2013	ACTION CONTINUING A FINAL - COMPLETED	73712
Jun. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 19, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 19, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 19, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 22, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 22, 2012	FINAL REFUSAL E-MAILED	
Dec. 22, 2012	FINAL REFUSAL WRITTEN	73712
Nov. 30, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Nov. 30, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Nov. 28, 2012	ASSIGNED TO LIE	77312
Nov. 20, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 25, 2012	REFUSAL PROCESSED BY IB	
Sep. 28, 2012	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Sep. 28, 2012	REFUSAL PROCESSED BY MPU	67445
Sep. 28, 2012	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Sep. 27, 2012	NON-FINAL ACTION WRITTEN	73712
Sep. 19, 2012	NON-FINAL ACTION (IB REFUSAL) WITHDRAWN FOR REVIEW	72589
Sep. 19, 2012	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Sep. 18, 2012	NON-FINAL ACTION WRITTEN	73712
Sep. 11, 2012	ASSIGNED TO EXAMINER	73712
Aug. 18, 2012	APPLICATION FILING RECEIPT MAILED	
Aug. 14, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 13, 2012	LIMITATION FROM ORIGINAL APPLICATION ENTERED	72589
Aug. 09, 2012	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1123081 Priority Claimed Flag: Yes Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED Notification of Designation Date: Aug. 09, 2012 International Registration Renewal Date: May 21, 2022 First Refusal Flag: Yes	International Registration Date: May 21, 2012 Date of Section 67 Priority Claim: Jan. 13, 2012 Date of International Registration Status: Aug. 09, 2012 Date of Automatic Protection: Feb. 09, 2014
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TM Staff and Location Information

TM Staff Information

TM Attorney: TURNER, JASON FITZGERA

Law Office Assigned: LAW OFFICE 108

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 21, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: 79115544

Filing Date: Sep 16, 2013

Status: Terminated

Status Date: Jan 17, 2014

Interlocutory Attorney:

Defendant

Name: VERSALIS S.p.A.

Correspondent Address: Holiday W. Barta
Ice Miller LLP
One American Square, Suite 2900
Indianapolis IN , 46282
UNITED STATES

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

VERSALIS

Published For Opposition

79115544

Potential Opposer(s)

Name: Berry Plastics Corporation

Correspondent Address: JULIA SPOOR GARD
BARNES & THORNBURG LLP
11 South Meridian Street
INDIANAPOLIS IN , 46204-3535
UNITED STATES

Correspondent e-mail: jgard@btlaw.com , bmcginnis@btlaw.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Sep 16, 2013	
2	EXTENSION OF TIME GRANTED	Sep 16, 2013	

EXHIBIT C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: Berry Plastics Corporation

Application Serial No.: 85758768

Application Filing Date: October 19, 2012

Mark: VERSALITE and Design

Date of Publication: July 30, 2013

Potential Opposer: VERSALIS S.p.A.

**60 DAY REQUEST FOR EXTENSION OF TIME TO OPPOSE UPON CONSENT
PURSUANT TO 37 C.F.R. §2.102**

Pursuant to 37 C.F.R. Section 2.102, VERSALIS S.p.A., an Italian Joint Stock Company, with offices located at Piazza Boldrini, 1, I-20097 SAN DONATO MILANESE (MI), ITALY, respectfully requests that it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark with Applicant's consent.

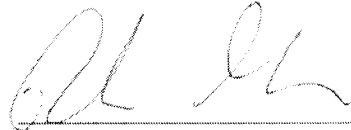
VERSALIS S.p.A. contacted Applicant's counsel via email on November 18, 2013, and received her consent to this further 60-Day Request for Extension of Time to Oppose, as the parties finalize a worldwide co-existence agreement.

The time within which to file a Notice of Opposition is set to expire on November 27, 2013. VERSALIS S.p.A. respectfully requests that the time period within which to file an opposition be extended until January 26, 2014.¹

¹ Versalis S.p.A. also filed this 60-Day Request for Extension of Time to Oppose Upon Consent electronically through the TTAB Electronic System for Trademark Trials and Appeals (ESTTA) on November 18, 2013, but received an error message. Accordingly, we have submitted this duplicate filing on paper to ensure receipt.

November 18, 2013

Respectfully submitted.

A handwritten signature in dark ink, appearing to read 'Rebecca Gan', is positioned above a horizontal line.

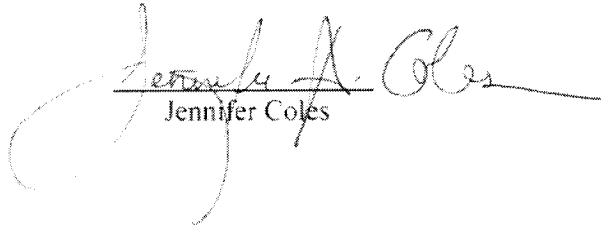
Rebecca Gan, Esquire
Counsel for VERSALIS S.p.A.
Young & Thompson
209 Madison Street, Suite 500
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RG/jc

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage, as First Class Mail in an envelope addressed to:

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

on this 18th day of November, 2013.


Jennifer Coles